

# STUDENT RIGHTS and RESPONSIBILITIES



2009-2010

## Seattle Public Schools

### TABLE OF CONTENTS

Introduction .....	3
Student Rights .....	4
Student Responsibilities .....	5
Student Discipline .....	5
Definitions .....	6
Authority of District Staff .....	9
Code of Prohibited Conduct .....	10
Exceptional Misconduct .....	10
District Offenses .....	22
Accomplice Activity .....	26
Off Campus Behavior .....	26
School Rules .....	27
Due Process Rights of Students .....	27
Short-Term Suspensions .....	27
Appeal Process .....	29
Long-Term Suspensions and Expulsions ...	30
Appeal Process .....	32
Emergency Expulsions and Safety Exclusions	33
Appeal Process .....	34
Appeal to the School Board .....	36
Discipline of Special Education Students ....	38

### SEATTLE SCHOOL BOARD

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## **GUIDING PRINCIPLES FOR POSITIVE, RESPECTFUL RELATIONSHIPS IN SEATTLE PUBLIC SCHOOLS**

The most productive, exciting learning occurs in an environment that is safe and positive. We believe that students, staff, and parents/guardians/family members function both as teachers and learners in our interactions with one another. When the principles of cultural awareness, safety, trust, respect, honesty, accountability, and equity are exhibited in our relationships, support for learning is assured.

Ours is a diverse society but we have a common need for a positive learning environment. True cultural awareness shows knowledge of people, processes, and structures that are reflected in our language, values, visions, goals, use of resources, and standards of evaluation.

These principles are embraced by cultures around the world and demonstrate the attributes necessary for promoting humane and equitable treatment for all.

In order to provide safe and positive learning environments District-wide, we promote the kind of relationships among students, staff, and parents/guardians/family members that foster the following:

Safety	Engage in actions that are physically and emotionally safe for self and others.
Trust	Be honest, mutually respectful, dependable.
Respect	Use good manners; show tolerance for differences; show consideration for other points of view and feelings.
Honesty	Be truthful, sincere.
Accountability	Accept the consequences for choices; do what you say you will do; use self-control; think before acting; do your best.
Fairness	Play by the rules; take turns; be open-minded; listen to others.

### **DISCLAIMER**

This document uses words and definitions of words that may be offensive to some persons. Parents/guardians should use discretion in allowing young children to read this document without supervision.

This document is intended to provide information regarding student conduct. Conduct by staff members is governed by many documents, including School Board Policies and Procedures, and applicable collective bargaining agreements. If you have concerns about the actions of a staff member, please contact that person's supervisor.

## INTRODUCTION

This *Student Rights and Responsibilities* sets forth the rules and regulations of Seattle Public Schools regarding student conduct, discipline, and rights and responsibilities. The *Student Rights and Responsibilities* is created in compliance with the requirements of State law and community expectations. Throughout this handbook you will see references to sections of the Washington Administrative Code (WAC 392-400), which are the State regulations that govern use of corrective action (*i.e.*, discipline, suspension, and expulsion) for any student by a school District.

The rules, regulations, and due process procedures outlined in the *Student Rights and Responsibilities* apply to all students and are designed to protect all members of the educational community. Rules of conduct relate to lawfully maintaining and operating the School District including, but not limited to, ensuring the health and safety of students and employees and preserving an educational process conducive to learning. The rules of conduct are designed to encourage pro-social behavior and correct misbehavior that interferes with learning. This is accomplished by establishing a positive learning climate, providing clear behavior standards, letting our students know exactly what is expected of them, and emphasizing progressive discipline, which calls attention to individual, classroom and school wide interventions before students are suspended or expelled. We encourage parents/guardians to go over the rules, discuss them with their children and help them understand the meaning of the rules and consequences if they are violated.

Questions about the *Student Rights and Responsibilities* and their interpretations may be directed to the Discipline Office, Seattle Public Schools, MS 31-177, P.O. Box 34165, 2445 3<sup>rd</sup> Avenue South, Seattle, WA 98124-1165, telephone 206-252-0820. Your inquiry will either be responded to directly or be referred to the appropriate administrator. School Board policies referred to in the *Student Rights and Responsibilities* may be reviewed at the Discipline Office or by referring to the Seattle Public Schools' web site at [www.seattleschools.org](http://www.seattleschools.org).

The Seattle Public Schools also publishes and distributes "The Basic Rules of Seattle Public Schools" in flyer format to all students at the beginning of each school year.<sup>1</sup>

This document consists of three parts: (1) student rights and responsibilities, (2) the Code of Prohibited Conduct, and (3) information and procedures for student discipline appeals. In the event that a student is suspended or expelled, parents/guardians will be given just the section titled "Student Discipline Appeals: Information and Procedures". Parents/guardians may request a copy of this entire document, or any portion of it. This entire document is also available on the Seattle Public Schools' web site at <http://www.seattleschools.org/area/discipline/index.dxml>.

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<sup>1</sup> WAC 392-400-225

## STUDENT RIGHTS

Students, as citizens, have certain constitutional rights. The school cannot unduly infringe on those rights. The schools may, however, set some reasonable limits on those rights in order to meet Seattle Public Schools' obligation to educate.

- Students have the right to **FREEDOM OF SPEECH** and may express their personal opinions. That freedom does not allow personal attacks, swearing, threats of violence, or interference with other people's rights to express themselves.
- Students have the **RIGHT TO ASSEMBLE** peaceably. Any such gathering that interferes with the operation of the school or classroom is inappropriate and prohibited.
- Students have the **RIGHT TO PETITION** appropriate school authorities when they feel that they have been treated unfairly.
- Students have the right to **FREEDOM OF THE PRESS** and may express their personal opinions in writing. They must take full responsibility for the content of their publications by identifying themselves as authors or editors of the publication. They are not allowed to make personal attacks or publish libelous or obscene material.
- Students have the right to **FREEDOM FROM UNREASONABLE SEARCH AND SEIZURE** while at school. For the protection of all, however, the following rules apply:
  - General searches of school property, including lockers and desks, may be conducted without prior notice.
  - Items such as firearms, other weapons, firecrackers, or anything else that might reasonably be a threat to safety or security, or disruptive to the educational process may be seized and removed from a student's possession.
  - In general, searches of students' persons (other than strip searches<sup>2</sup>) or property may be conducted on reasonable suspicion that contraband or other evidence of misconduct is present, so long as the methods used are reasonably related to the objectives of the search and the search is not excessively intrusive in light of the age and sex of the student, the nature of the suspected infraction, and the information upon which the search is based.
- Students have the right to **EQUAL EDUCATIONAL OPPORTUNITY**. They shall not be unlawfully discriminated against because of national origin, race, religion, economic status, sex, sexual orientation, gender identity, pregnancy, marital status, previous arrest, previous incarceration, or physical, or mental or sensory handicap.
- Students have the right to **FREEDOM OF RELIGION**.<sup>3</sup> Students are free from being controlled or influenced by any particular religious point of view while they are participating in any school District conducted or sponsored activity, or while students are otherwise subject to school District supervision and control.<sup>4</sup>

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<sup>2</sup> Washington law (RCW 28A.600.230(3)) **prohibits strip searches of students** by school administrators and persons acting under their supervision. "Strip search" is defined broadly: "[H]aving a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, anus, or undergarments of the person or breasts of a female person."

<sup>3</sup> WAC 392-400-227

<sup>4</sup> School Board Policy H50.00.

## **STUDENT RESPONSIBILITIES**

The purpose of the public school system is to provide students the opportunity to learn skills, acquire knowledge, and develop attitudes that will allow them to function as responsible and contributing adults. In order to reach this goal, every student must take personal responsibility to:

- Make a determined effort to learn;
- Attend all classes every day, on time, ready to work and with the necessary learning materials, books, pencils, etc.;
- Respect the rights of other people;
- Refrain from expressing personal prejudices against any individual or group;
- Follow the instructions of teachers and other school staff;
- Know and obey the rules of the School District and individual school;
- Accept reasonable corrective action for breaking school or School District rules;
- Identify him or herself if asked to by the school staff;
- Dress appropriately for school in ways that will not cause safety or health problems, or disruptions; and
- Respect the property of other people and of the school. Students will be required to make restitution for property they have damaged.<sup>5</sup>

All students will be subject to the policies, rules and regulations of Seattle Public Schools. Students will be disciplined if they fail to comply with any of the written rules and regulations while at school, on school grounds, on School District-sponsored transportation, or at any school-sponsored event. Students will also be disciplined if they fail to comply with any of the written rules and regulations in any other setting having a real and substantial relationship to the operation of Seattle Public Schools, including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process which is conducive to learning. Disciplinary action can include such things as losing the privilege of attending District-sponsored activities, losing the privilege of riding District-sponsored transportation, or suspension or expulsion.

## **STUDENT DISCIPLINE<sup>6</sup>**

The goal of the school system is to provide a learning experience that allows all students to develop skills, competencies, and attitudes that are fundamental to a student's achievement as a responsible, contributing citizen. In order to advance that goal, it is the responsibility of each student to study, comply with the written rules of Seattle Public Schools, and submit to

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<sup>5</sup> Note: RCW 28A.635.060 allows Seattle Public Schools to withhold the grades, diploma and transcripts of any student who is responsible for losing or willfully cutting, defacing or injuring any property belonging to Seattle Public Schools, a contractor of Seattle Public Schools, an employee, or another student until the student or the student's parents or guardian has paid for the damages. When the student and parent or guardian are unable to pay for the damages, Seattle Public Schools will provide a program of voluntary work for the student in lieu of the payment of monetary damages. Upon the student's completion of the voluntary work, Seattle Public Schools will release the grades, diploma and transcripts of the students.

Any student, parent or guardian aggrieved by the imposition of the above sanctions shall have the due process rights provided in the section on Grievance Procedure for Discipline, WAC 392-400-240.

<sup>6</sup> WAC 392-400-210

reasonable corrective action imposed for violating the rules. All students shall submit to the policies, rules, and regulations of the school District. Refusal to comply with written rules and regulations established for the governing of the school shall constitute sufficient cause for discipline, suspension, or expulsion. The written rules are intended to assure that corrective action is imposed for just cause, and is imposed in a fair and just manner. The protections against inappropriate corrective action do not lessen the responsibilities and duties of each student. Appeal procedures have been established in order to provide an opportunity for corrective actions to be reviewed by someone in authority and to instill confidence among students and parents/guardians as to the essential fairness of school District personnel.

## DEFINITIONS

The following are key definitions used in various parts of this document.

**Appealing Party:** A parent, guardian, or student who is using the appeals procedures found in WAC 392-400 to dispute a disciplinary or corrective action that has been given to a Seattle Public School student.

**Change of placement:** The removal of a special education student from his/her current educational placement for more than 10 consecutive school days; or a series of removals that constitute a pattern of exclusion because the removals cumulate to more than 10 school days in a school year. A pattern of exclusion is determined on a case-by-case basis.

**Discipline:** For the purpose of this document, all forms of corrective action, whether school based or resulting in suspension or expulsion from school.

**District Offenses:** Behaviors that disrupt or interfere with the educational process. District Offenses are violations of rules that have been developed to support the educational process at schools, enabling teachers to teach and students to learn.

**Emergency Exclusion (Safety Exclusion):** An emergency removal of a student from school for health and/or safety reasons. A risk or threat assessment may be required, and made by the Safety and Security Department. A plan must be in place for safely returning and managing the student in the school or District before the student is allowed to return. If an emergency exclusion is invoked, it is maintained in place during an appeal.

**Emergency Expulsion:** Immediate removal of a student from school for misbehavior on the basis that an administrator has good and sufficient reason to believe that the student's presence is a danger to himself/herself or others, or an immediate or continuing threat of substantial disruption to the educational process of the school. If an emergency expulsion is invoked, it is maintained in place during an appeal. A student who is emergency expelled without an accompanying long-term suspension or expulsion may request and return homework. Since students are not allowed to trespass on school grounds while suspended, arrangements must be made for someone else to pick up and return the homework.

**Exceptional Misconduct:** Behavior that warrants a suspension for the first offense. Many offenses considered to be exceptional misconduct are criminal offenses.

**Expulsion:** An expulsion is the formal exclusion for misbehavior of a student from ever returning to the specific school in Seattle Public Schools that he or she is attending. If the expulsion is from Seattle Public Schools, the student may not return to any school or program in Seattle Public Schools.

**In-house Suspension (School Based):** Any of several choices the school uses as corrective action to remove a misbehaving student from a class or classes or from school activities short of sending a student home. Students are given homework and, frequently, social skills training to help improve student conduct in the future. This may last from a class period up to several days.

**Interim alternative educational settings (IAES):** In cases that involve weapons, drugs or alcohol, or extreme violence, school personnel may order a change in placement of a special education student to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days. The interim alternative educational setting is selected so as to enable the student to continue to progress in the general curriculum while in another setting, and to continue to receive services and modifications described in the student's current IEP that will enable the student to meet the goals set out in the IEP.

**Jurisdiction:** Discipline may be imposed for an off-campus act of misconduct if the discipline is reasonable under the circumstances and closely connected to the educational process. The following criteria should be considered to decide whether an act of misconduct is sufficiently connected to the educational process:

- (1) Location of the misconduct (proximity to school grounds or to a school activity);
- (2) Hour and date of the misconduct (during school hours, but off-campus; immediately before or after school hours; on District-sponsored transportation, directly before entering or after leaving District-sponsored transportation, or during school-sponsored activities);
- (3) Effect on other participants or victims to the misconduct (did the misconduct involve or affect other students or school District personnel);
- (4) Severity of the misconduct and its likely connection to student or school District personnel safety (*e.g.*, fighting or other violent or destructive acts, the selling of a controlled substance, or possession of a weapon); and
- (5) Extent to which the off-campus activity affects the environment or safety of the school (*e.g.*, students are afraid to come to school or afraid at school because of it; it is disruptive to the school atmosphere in that special precautions or actions need to be taken to protect students and staff; the arrangements for the activity were made on campus but conducted off campus, such as drug sales, a fight or assault, etc.; or there are likely repercussions such as students from other schools or non-students coming onto the campus to effect retribution.)

When away-from-school jurisdiction is asserted and a crime has been committed, schools generally report the crime to the proper law enforcement agency. A school may, however, have jurisdiction over offenses that are not criminal in nature.

**Long-term suspension:** A suspension that is longer than 10 days and generally less than 90 days. In Seattle Public Schools, a student subjected to a long-term suspension normally returns to the same school at the end of the suspension period. A student is not eligible for homework from their school unless the long-term suspension is less than 15 days. Since students are not allowed to trespass on school grounds while suspended, arrangements must be made for someone else to pick up and return the homework.

A long-term suspension may extend into the subsequent semester if discipline warranting a long-term suspension occurs less than 11 days before the end of the semester or if the offense requires completion of a behavior modification class before returning to a local school.

**Manifestation determination:** A review of the relationship between a special education or a Section 504 student's disability and the behavior that led to the disciplinary action. If the result of the review is that the behavior did not occur as a result of his/her disability or the appropriateness of the student's placement, the student may be disciplined in the same manner as a non-disabled student would be for the same offense.

**Parent/guardian Notification:** Parents and/or guardians will be notified by telephone and in writing whenever a student is disciplined with short-term or long-term suspension or expulsion.

**Progressive Discipline:** Seattle Public Schools staff members are expected to use only that degree of corrective action that is reasonably calculated to modify inappropriate student behavior. If student behavior of the same type is repeated, staff may employ successively more severe actions or sanctions not previously imposed in order to correct behavior.

**Reasonable Physical Force:** The use of sufficient physical force by a school administrator, teacher, school employee, or volunteer as needed to maintain order or to prevent a student from harming himself/herself, other students, school staff and/or property. Such physical force is not considered to be corporal corrective action.<sup>7</sup>

**Safety Exclusion:** (*See, Emergency Exclusion.*) An emergency removal of a student from school for health and/or safety reasons. A risk or threat assessment must be made by the Safety and Security Department, and a plan must be in place for safely returning the student to school before the student is allowed to return.

**Sanction:** Any corrective action intended to modify a student's behavior, including a school-based intervention, short- or long-term suspension, or expulsion from school or Seattle Public Schools. *See, Discipline.*

**School business day:** Any calendar day when Seattle Public Schools is open to the public for business, except for school holidays.

**School Threat Assessment Team (STAT):** Services provided by a team of trained investigators within the Safety and Security Department that assesses the risk of potentially assaultive or dangerous students by identifying the circumstances and variables present in the student's behavior that are known to be correlated with youth violence and aggression.

**School Year Limitation:** Discipline sanctions imposed upon a student during one school year generally do not carry over and affect discipline in succeeding years unless the corrective action is imposed at the very the end of the school year. For the purpose of establishing progressive discipline, schools may not consider offenses that occurred over 180 school days in the past, except in the case of some types of threats of violence.

**Short-term suspension:** A suspension that is not longer than ten (10) consecutive school days. In the Seattle Public Schools, a student subjected to a short-term suspension normally returns to the same school at the end of the suspension period. A student with a short-term suspension may get and return homework while absent. Since students are not allowed to trespass on school grounds while suspended, arrangements must be made for someone else to pick up and return the homework.

**Special Education Student:** A student who meets the eligibility requirements for one or more of the disability categories identified in the WAC, and who is in need of specially designed instruction.

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<sup>7</sup> WAC 392-400-235(3)(a)

**Special Populations:** Special populations include special education and Section 504 students, and students with Limited English Proficiency (LEP).

**Suspension:** Formal prohibition of a student from attending school for a stated period of time. This does not include an informal removal from a class for “discipline” purposes. A suspended student is not permitted to be on real property owned or controlled by the school or school district or to attend any school activities at any location. A student suspended for less than 15 days may request and return homework. Since students are not allowed to trespass on school grounds while suspended, arrangements must be made for someone else to pick up and return the homework.

**Ten day rule:** To the extent removal would be applied to students without disabilities, school personnel may order the removal of a special education student from the student’s current placement for not more than 10 consecutive days for any violation of school rules. If such removals cumulate to more than ten days, Seattle Public Schools must begin providing educational services on the 11<sup>th</sup> school day of removal from the school campus.

## **AUTHORITY OF DISTRICT STAFF**

### **Persons who have authority to discipline students**<sup>8</sup>

1. The School Board authorizes certificated teachers, school administrators, bus drivers, and any other school staff the authority to impose discipline upon a student for misconduct that violates the rules of the school District. Any of these persons also may remove a student on an emergency basis from a class, subject, or activity.
2. The School Board authorizes teachers to remove students who create a disruption of the educational process in violation of school behavior standards from their classrooms for the rest of the school day or until an administrator and the teacher have discussed the incident, whichever comes first. Except in emergency circumstances, the teacher is expected to have first attempted one or more alternative forms of corrective action. In no case will a student be allowed to return for the rest of the class period without the permission of the teacher.
3. The School Board authorizes school principals, assistant principals, and their designees to impose discipline, short-term suspensions, long-term suspensions, exclusions, emergency expulsions, and expulsions.

### **Conditions and limitations for discipline**<sup>9</sup>

Discipline may be imposed on any student who violates the rules of Seattle Public Schools, subject to the following condition:

1. Corporal punishment of students is not allowed in Seattle Public Schools. Corporal punishment does not include:
  - a. The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students, school staff, or property;

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<sup>8</sup> WAC 392-400-230

<sup>9</sup> WAC 392-400-235

- b. Physical pain or discomfort caused by or resulting from training for or participation in athletic competition or recreational activity voluntarily engaged in by the student;
- a. Physical exertion shared by all students in a teacher directed class activity, which may include but is not limited to physical education exercises, field trips, or vocational education projects; or
- b. Physical restraint or the use of aversive therapy as part of a behavior management program in a student's individual education program which has been signed by the parent/guardian and is carried out according to District procedures in compliance with state regulations.

## **CODE OF PROHIBITED CONDUCT**

In the Code of Prohibited Conduct, the following conventions are used: The title of the offense and its code are in bold face type. The definition of the offense immediately follows. If additional paragraphs are present below the asterisks (\* \* \* \* \*), those paragraphs provide details about the definition, or explanations about the corrective action expected, or circumstances when progressive discipline may not be appropriate and an administrator might reasonably start with a more severe corrective action than District standards normally allow.

### NOTICE TO STUDENTS AND PARENTS/GUARDIANS REQUIRED BY FEDERAL DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1989

Seattle Public Schools prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as part of school activities. Compliance with this rule is mandatory; students who disregard the prohibition will be long-term suspended or expelled. The possession and use of illegal drugs and the unlawful possession and use of alcohol are wrong and harmful to health and education. Seattle Public Schools offers, or can assist in arranging access to, drug and alcohol counseling, rehabilitation, and re-entry programs; for further information contact your school's principal or counselor.

## **EXCEPTIONAL MISCONDUCT**

Standard discipline for a first violation of any Exceptional Misconduct offense is suspension. The Safety and Security Department must be notified for violations of offenses in this section. If appropriate, Seattle Police will be notified.

### **E-100 Controlled Substances**

#### **E-110 Selling Alcoholic Beverages, Illegal Drugs, and Controlled Substances**

Selling, or intending to sell, alcohol, drugs or controlled substances, including any beverage with alcohol content or over-the-counter drugs.

\* \* \* \* \*

High school and middle school violators will be long-term suspended for at least the remainder of the semester and they will be required to obtain an assessment by an approved substance abuse professional and participate in and satisfactorily complete a District-approved substance abuse program at parent expense<sup>10</sup> before returning to any

<sup>10</sup> The school will be able to provide information about low or no-cost options for appropriate services available in the community.

regular school. Violators are not eligible for a reduction in suspension time through participation in an approved drug or alcohol treatment program. Possessing a substantial amount (more than an amount considered to be only for personal use) of a prohibited/controlled substance may be considered evidence of intent to sell.

A student may be expelled for the first offense without regard to progressive discipline when there is good reason to believe that other forms of corrective action would fail if employed. Students who are expelled will also be required to obtain an evaluation by an approved substance abuse professional and participate in and satisfactorily complete any recommended substance abuse program at parent/guardian expense before returning to any regular school. Good reason to believe that other forms of corrective action would fail if employed include:

- Causing a student to be seriously injured or psychologically or emotionally harmed, even unintentionally.
- Selling to a student two or more years younger.
- Selling drugs or alcohol in a manner that creates a material and substantial disruption to the school or educational environment.

#### **E-120 Distributing Alcoholic Beverages, Illegal Drugs, and Controlled Substances**

Distributing, sharing, or passing around alcohol, drugs or controlled substances, including any beverage with alcohol content or over-the-counter drugs.

\* \* \* \* \*

For high school and middle school offenders, a first violation of this offense will result in a long-term suspension until the end of the semester, although an administrator may reduce this to an 11-day long-term suspension<sup>11</sup> after the student obtains an assessment by an approved substance abuse professional and follows through with recommendations of the assessor, at parent expense.<sup>12</sup> A second violation will result in a long-term suspension until the end of the semester and the student must complete a District approved substance abuse program, at parent expense. The third violation will result in expulsion and the student must complete a District approved substance abuse program, at parent expense.

A student may be expelled for the first offense without regard to progressive discipline when there is good reason to believe that other forms of corrective action would fail if employed. Students who are expelled may be required to obtain an evaluation by a District-approved substance abuse professional and be in compliance with any recommendations of the evaluator.

Good reason to believe that other forms of corrective action would fail if employed include:

- Causing a student to be seriously injured or psychologically or emotionally harmed, even unintentionally.
- Distributing or sharing drugs or alcohol to a student who is two or more years younger.

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<sup>11</sup> A student, or parent/guardian on behalf of the student, who accepts the conditions for the reduction in sanction in this section gives up their right to appeal the disciplinary action.

<sup>12</sup> The school will be able to provide information about low or no-cost options for appropriate services available in the community.

- Sharing drugs or alcohol in a manner that creates a material and substantial disruption to the school or educational environment.

**E-130 Possessing or Using Alcoholic Beverages, Illegal Drugs, and Controlled Substances**

Possessing, using, or being under the influence of alcohol, drugs or controlled substances, including any beverage with alcohol content, or possessing drug paraphernalia.

\* \* \* \* \*

For high school and middle school offenders, a first violation of this offense will result in a long-term suspension until the end of the semester, although an administrator may reduce this to a three-day short-term suspension after the student obtains an assessment by a District-approved substance abuse professional and follows through with recommendations of the assessor, at parent expense.<sup>13</sup> A second violation will result in a long-term suspension until the end of the semester, although an administrator may reduce this to an 11-day long-term suspension<sup>14</sup> if the student receives an assessment by an approved substance abuse professional and participates in and is concurrently enrolled in a District approved substance abuse program, at parent expense. A third violation will result in a long-term suspension until the end of the semester with a required assessment by a District-approved substance abuse professional and satisfactory completion of a District-approved substance abuse program, at parent expense. The school will be able to provide information about low or no-cost options for appropriate services available in the community.

**E-200 Violence**<sup>15</sup>

**E-210 Assault**

Being physically violent, using unwarranted force, or demonstrating the deliberate and immediate intent to be physically violent, toward another person, including domestic violence.

\* \* \* \* \*

Intent is defined as taking deliberate actions toward physically harming another person such that the person has an immediate expectation that his/her personal safety is in jeopardy, even if physical violence is averted. It is more than mere gestures at a distance (*e.g.*, a raised fist).

Domestic violence as **E-210 Assault** includes physically harming, threatening, physically restraining, or stalking a romantic or dating partner.

Assault does not include incidental touching unless it is flagrant, purposeful, repeated, or results in life-threatening injury.

A student may be expelled for the first offense without regard to progressive discipline when there is good reason to believe that other forms of corrective action would fail if

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<sup>13</sup> The school will be able to provide information about low or no-cost options for appropriate services available in the community.

<sup>14</sup> A student, or parent/guardian on behalf of the student, who accepts the conditions for any reduction in sanction in this section gives up their right to appeal the disciplinary action.

<sup>15</sup> All offenses in the category of E-200 Violence require enrollment in and satisfactory completion of an appropriate District-approved behavior program, primarily involving learning skills for anger and conflict management. Refer to the Standard Discipline for Exceptional Misconduct chart. Seattle Public Schools provides this instruction for secondary students in the Reentry Program.

employed. Good reason to believe that other forms of corrective action would fail if employed include:

- Prolonged attack on a student such that the student suffers injury.
- Causing life-threatening injury to another person by any means of physical violence.
- Multiple assaulters physically harming a single student.
- Assaulting a school staff person by hitting, roughly touching, pushing shoving, restraining, kicking, or poking the staff person such that the staff person is afraid for his/her personal safety. The size and weight of the staff person and the student will be a contributing factor. No serious injury need have occurred.

Self-defense or defense of someone else who is being assaulted may be a mitigating circumstance resulting in no discipline, as long as the defensive behavior occurs while an assault is being inflicted on oneself or another, and is not more forceful than absolutely needed to deflect the violence suffered and prevent continuing injury or harm to oneself or the other person. Examples of self-defense are deflecting blows without returning them and holding or holding back an attacker to keep him/her from continuing to assault. Defensive behavior that is considerably more forceful than needed for legitimate self-defense may be considered assault.<sup>16</sup>

#### **E-215 Sexual Assault<sup>17</sup>**

Sexually assaulting or taking indecent liberties with another person.

\* \* \* \* \*

Sexual assault includes unwanted touching or grabbing of sexual parts, indecent exposure, using force to engage in intercourse, oral sex, or other sexual contact, “pantsing” behavior by other than elementary-age students<sup>18</sup>, engaging in intercourse or oral sex whether or not the other person clearly refuses or does not have the mental or physical ability to consent. Sexual assault does not include incidental touching unless it is flagrant, purposeful, or repeated.

#### **E-220 Extortion, Blackmail, Coercion**

Obtaining money or property by violence or threat of violence, or forcing someone to do something against his or her will by force or threat of violence.

#### **E-230 Arranging Fights**

Deliberately arranging a fight or willingly participating in such an arranged fight, not involving anger or hostility, that creates a substantial risk of serious physical injury to the participants.

#### **E-240 Fighting**

Engaging in or provoking mutual physical contact involving anger or hostility.

\* \* \* \* \*

Fighting includes the following:

- Engaging in mutual physical contact involving anger or hostility.

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<sup>16</sup> See, **E-240 Fighting** for physical altercations involving mutual anger or hostility.

<sup>17</sup> Violation of this offense may require enrollment in another appropriate District-approved program.

<sup>18</sup> See, **D-310 Bullying, Intimidation, and Harassment** for “pantsing” behavior by elementary age students.

- Teasing, harassing, threatening or intimidating others, resulting in physical contact involving anger or hostility.
- Retaliating physically for teasing, harassing, threatening, or intimidating behavior.
- Verbally inciting or physically supporting a fight by one's encouragement or presence.

\* \* \* \* \*

Students engaged in fighting will be required to participate in mediation or other school-based positive intervention strategies for resolving conflict upon their return to school.

Strong mitigating circumstances may warrant no discipline in a situation that outwardly appears to be a fight. Self-defense or defense of someone else who is being assaulted may be a mitigating circumstance, as long as the behavior used in self-defense is not more forceful than absolutely needed to deflect the violence suffered and prevent continuing injury or harm to oneself or the other person. Examples of self-defense are deflecting blows without returning them and holding or holding back an attacker to keep him/her from continuing to assault. Defensive behavior that is considerably more forceful than needed for legitimate self-defense may be considered assault.

### **E-250 Threats of Violence**

Communicating credible, focused threats of violence or harm to an individual or group of individuals, directly or indirectly, whether by physical, verbal, written, telephone, or electronic actions, which cause the other person to believe his or her life, safety, or property is in danger, or which cause a listener to believe that another person's life, safety, or property is in danger. It is not necessary that the threat be communicated to the intended victim.

\* \* \* \* \*

A student may be expelled for the first offense without regard to progressive discipline when there is good reason to believe that other forms of corrective action or punishment would fail if employed. Good reason to believe that other forms of corrective action or punishment would fail if employed include:

- Threatening to take a staff person's life. Staff persons have the right to work in a safe and non-threatening atmosphere. Seattle Public Schools has no tolerance for students threatening staff persons. Before an expulsion can be used for threats toward staff persons, school administrators must request Safety and Threat Assessment Team (STAT) services to determine whether the threat is direct and credible to do lethal harm to the staff person. Whether, direct, veiled or implied lethal threats, if a District-approved risk assessment determines there is a moderate to high risk of violence to the staff person, the student may be expelled.

### **E-260 Hazing<sup>19</sup>**

Initiating students into a school, group, grade level, or office through unsafe or illegal behaviors that cause, or are likely to cause, physical injury.<sup>20</sup>

\* \* \* \* \*

In hazing situations, appropriate club advisors, coaches, and administrators likely have not been told what will occur and have not given their approval to the activity. Initiates

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<sup>19</sup> See, D-210 Hazing for less serious behaviors.

<sup>20</sup> See, E-210 Assault for hazing behaviors that involve physical assault.

do not have the choice to volunteer for this activity or the opportunity to quit at any time. Evidence of hazing that falls into this category may include, but is not limited to, activities with any of the following components:

- Physical restraints.
- Reckless endangerment or life-threatening stunts.
- Unsafe activities, such as being left alone to get out of a harmful situation at the end of the activity, *e.g.*, in a park at night or from a locked room.
- Property damage.
- Illegal activity.

### **E-300 Weapons**<sup>21</sup>

#### **E-310 Firearm – Mandatory One-Year Expulsion**<sup>22</sup>

Carrying a firearm onto, or possessing a firearm on, school property, school-provided transportation, areas of facilities being used exclusively as school District property, or at school-sponsored events or activities. Seattle Public Schools has a policy of no tolerance for weapons.

\* \* \* \* \*

Firearm is defined as a weapon from which a projectile or projectiles may be fired by an explosive such as gunpowder. It also includes an explosive, incendiary, or poison gas bomb, grenade, rocket, missile, or mine.<sup>23</sup>

Violators will be expelled from Seattle Public Schools for not less than one calendar year. See, RCW 28A.600.420. Satisfactory completion of a behavior modification or anger management program is required. The Superintendent or his or her designee may modify the expulsion on a case-by-case basis.

#### **E-320 Dangerous Weapons – No Mandatory Expulsion**<sup>24</sup>

Carrying a dangerous weapon onto, or possessing a dangerous weapon on, school property, school-provided transportation, areas of facilities being used exclusively as school District property, or at school-sponsored events or activities. Seattle Public Schools has a policy of no tolerance for weapons.<sup>25</sup>

\* \* \* \* \*

State-defined dangerous weapons include: nunchucka sticks; throwing stars; air gun; slung shot; sand club; metal knuckles; any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or

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<sup>21</sup> All offenses in this category require enrollment in and satisfactory completion of a District-approved behavior modification program, primarily involving learning skills for anger and conflict management. Seattle Public Schools provides this instruction for secondary students in the Reentry Program.

<sup>22</sup> See, **D-410 Toy Guns and Toy Weapons** for toys that do not appear to be real guns. Any student who is determined to have carried a firearm or destructive device (e.g., bomb or grenade) onto school property or who has possessed a firearm or destructive device on school property, on school-provided transportation, in areas of facilities being used exclusively by public schools, or at school-sponsored events or activities **shall** be expelled from the Seattle School District for not less than one calendar year. RCW 28A.600.420

<sup>23</sup> See, RCW 9.41.010 and 18 U.S.C. § 921 for a complete definition of firearm.

<sup>24</sup> See, **D-410 Toy Guns and Toy Weapons** for toys that do not appear to be real weapons.

<sup>25</sup> “No tolerance for weapons” means that disciplinary action should be imposed for possession of weapons, but, with the exception of firearms, there is no specific sanction that must be imposed in every case. Rather, discipline should be imposed that is appropriate based on the circumstances.

centrifugal thrust or movement; any dagger or dirk furtively carried;<sup>26</sup> or any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun, that emits an electrical shock, charge, or impulse.

District-defined dangerous weapons include: BB gun of any type; pellet gun of any type; “soft air” gun; slingshot; hand club; sandbag; chaco sticks; metal pipe or bar used or intended for use as a club; billy club; black jack; switchblade knife; fixed blade knife of any size (e.g., kitchen knife, steak knife, hunting or military-type knives that do not fold); large folding knife with a blade over 2-1/2 inches long; any knife with a blade that locks open; any knife with more than one blade; razor blade; box cutter; blowgun; taser gun; bullets, and pepper gas/spray.<sup>27</sup> The definition of a dangerous weapon also includes any object that can reasonably be used to inflict serious bodily injury when a student uses such an object with intent to harm or intimidate someone, or when there is no other reasonable purpose for possessing the object except to use it as a weapon.

A laser pen is considered to be a dangerous weapon if the light is deliberately aimed at another person’s eyes, whether or not there is intent to cause harm.<sup>28</sup>

For possession of a dangerous weapon, the normal discipline for a first-time offense is a long-term suspension. The administrator can elect to give a lesser corrective action because of the particular facts and circumstances. For example, if a student has a dangerous weapon in his or her backpack that has not been used in a threatening or intimidating manner, the administrator may elect to use a lesser discipline.

Mitigating circumstances may warrant no discipline. Examples of mitigating circumstances for secondary students include:

- The student is “in possession” of a weapon after disarming another student, and the weapon is promptly turned over to staff.
- The student is “in possession” of a weapon after having discovered it on school grounds or on the way to school and the weapon is promptly turned over to school staff. *Students are urged to leave weapons where they are discovered and notify school staff of their location rather than take them into their possession.*
- The student is “in possession” unknowingly after another person places the weapon among his/her possessions, and the weapon is promptly turned over to staff when the weapon is discovered. There should be reasonable evidence that the student was unaware of the weapon being among his/her possessions.
- The student on his/her own volition upon arrival at school or a school event turns in a weapon that was accidentally brought from home or is needed for the student’s out-of-school job (e.g., a box cutter for a student employed in a grocery store to stock shelves).

Additional examples of mitigating circumstances that may be considered for elementary students may include:

- The student is unable to clearly understand that the item is a weapon and therefore forbidden to be at school (e.g., the student innocently brought the weapon for “Show and Tell” or the student believes the weapon is a toy.)

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<sup>26</sup> See, RCW 9.41.250.

<sup>27</sup> The application of the weapons policy to pepper gas/spray must be made in accordance with RCW 9.91.160.

<sup>28</sup> Refer to D-110 Disruptive Conduct for waving a laser pen or flashing it around a room for no reason except to amuse the person waving it or to disrupt the educational process.

A student may be expelled for the first offense without regard to progressive discipline when there is good reason to believe that other forms of corrective action would fail if employed. Good reason to believe that other forms of corrective action would fail if employed include:

- Seriously injuring a student or staff person, even unintentionally.
- Using the weapon in a dangerous and intimidating manner.
- Creating widespread fear or substantial disturbance by having the weapon on school District property.

### **E-330 Small Folding Knives<sup>29</sup>**

Carrying onto or possessing a small folding knife with a blade length of 2-1/2 inches or less and with a blade width 1/2-inch or less on school property, school-provided transportation, areas of facilities being used exclusively as school district property, or at school-sponsored events or activities.

\* \* \* \* \*

For purposes of this offense, a small folding knife is small and generally used for Scouting or camping. A large folding “buck knife”, or large Swiss Army knife with multiple utensils including more than one knife blade, or a folding knife with a blade of any length that locks open is not a small folding knife under this definition.

A student may be expelled or long-term suspended until the end of the semester for the first offense without regard to progressive discipline when there is good reason to believe that other forms of corrective action would fail if employed. Good reason to believe that other forms of corrective action would fail if employed include:

- Bringing a folding knife to school that can do serious bodily harm. Knives with blades over 2-1/2 inches long or over 1/2-inch wide are presumed to be able to cause serious bodily harm. Expulsion for a first offense may be warranted.
- Using a folding knife of any size in a menacing and threatening manner, *e.g.*, if the blade is exposed or the knife is shown in tandem with a verbal or non-verbal threat. Expulsion for a first offense may be warranted.
- Bringing a folding knife to school for the purpose of intimidating another, or for the expressed reason of self-protection because the student feels intimidated by another student. Self-defense is not a mitigating circumstance for carrying any knife in school. Students are expected to let an adult know if they feel intimidated or endangered at school or on school grounds, Long-term suspension until the end of the semester may be warranted for a first offense.

*See, E-320 Dangerous Weapons* for mitigating circumstances that may be considered under this offense as well.

### **E-340 Fireworks, Explosives, Chemicals, and Incendiary Devices**

Possessing or using fireworks, or an explosive, chemical, or incendiary device on school property, school-provided transportation, areas of facilities being used exclusively as school District property, or at school-sponsored events or activities.

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<sup>29</sup> *See, D-410 Toy Guns and Toy Weapons* for toys that do not appear to be real knives.

These devices include, but are not limited to, firecrackers, sparklers, smoke bomb or stink bomb, cherry bomb, M80, bottle rocket, other explosive, incendiary or poison gas, or gas pen/gas pencil.

A student may be expelled for the first offense without regard to progressive discipline when there is good reason to believe that other forms of corrective action would fail if employed. Good reason to believe that other forms of corrective action would fail if employed include:

- Seriously injuring a student or staff person, even unintentionally.
- Using the device in a dangerous and intimidating manner.
- Creating widespread fear or substantial disturbance by having the device on school District property.

#### **E-350 Toys Used As Weapons<sup>30</sup>**

Possessing and using with malice (in a threatening manner) objects that appear to be capable of causing bodily harm such that a person believes his or her safety is in danger, including toys that appear to be weapons regardless of size.

#### **E-400 Theft and Vandalism**

##### **E-410 Robbery<sup>31</sup>**

Taking another's property by force or threat of force.

##### **E-420 Theft**

Stealing school District property or the property of a staff member, student, or school visitor.

##### **E-430 Burglary**

Forced entry or remaining unlawfully in a District building or room in the building for the purpose of taking property.<sup>32</sup>

##### **E-440 Possession of Stolen Property**

Knowingly receiving, retaining, possessing, concealing, or disposing of stolen property.

##### **E-450 Malicious Mischief**

Intentionally causing damage to any school property, staff property, or school buses. Also, writing, painting, drawing, or otherwise marking graffiti on any school property, staff property, or school bus that is so extensive that the cost of removing it exceeds \$100.

#### **E-500 Intimidation and Interference with School Authorities**

##### **E-510 Intimidation of School Authorities<sup>33</sup>**

Interfering, or attempting to interfere, with the discharge of the official duties of District personnel by using direct, deliberate, or focused threats, force, or violence, such that the

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<sup>30</sup> See, **D-410 Toy Guns and Toy Weapons** for toys that do not appear to be real weapons.

<sup>31</sup> This offense requires enrollment in and satisfactory completion of a District-approved behavior modification program, primarily involving learning skills for anger and conflict management. Seattle Public Schools provides this instruction for secondary students in the Reentry Program.

<sup>32</sup> See, **E-710 Trespass** for other purposes of being unlawfully present on District property or in District buildings.

<sup>33</sup> This offense requires enrollment in and satisfactory completion of a District-approved behavior modification program, primarily involving learning skills for anger and conflict management. Seattle Public Schools provides this instruction for secondary students in the Reentry Program.

staff person believes his or her safety or the well-being of his or her property is in danger.

### **E-520 Interference with School Authorities**

Interfering with the discharge of the official duties of District staff by:

- Using force or violence that is non-deliberate and not focused on the staff person, such as attempting to continue a fight when a staff person is trying to stop the fight and inadvertently striking that person, or
- Disobeying the orders of school officials to leave school property or disperse as instructed, or
- Heckling or harassing school authorities engaged in any lawful task, function, process, or procedure of the school District such that it interferes with their ability to maintain order or complete their lawful duties. This includes, but is not limited to:
  - Use of abusive or foul language directed at a school District employee, or
  - Use of any electronic means (cameras, cell phone cameras, videos, or other recording devices) that foreseeably causes school staff to be embarrassed, denigrated, or demeaned.
- Hindering the investigation of an incident by school staff by deliberately lying about, or encouraging others to lie deliberately about, the facts of the incident.

### **E-600 Harassment**<sup>34</sup>

#### **E-610 Malicious Harassment**<sup>35</sup>

Maliciously and intentionally committing one of the following acts because of a perception of that person's race, color, religion, ancestry, national origin, gender, sexual orientation, gender identification, or mental, physical, or sensory handicap:

- Causing physical injury to the victim or another person.
- Causing physical damage to or destruction of the property of the victim or another person.
- Threatening a specific person or group of persons such that the persons, or members of the specific group of persons, are in reasonable fear of harm to themselves or their property.

\* \* \* \* \*

Violations of this offense must rise to the level of the state definition of Malicious Harassment. Malicious Harassment may or may not be personal, but occurs primarily because the victim is a member of one of the groups identified above. *See*, RCW 9A.36.080.

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<sup>34</sup> Offenses in this category may require enrollment in and satisfactory completion of a District-approved behavior modification program, depending upon the facts and circumstances. Seattle Public Schools provides this instruction for secondary students in the Reentry Program.

<sup>35</sup> *See* **D-310 Bullying, Intimidation, and Harassment** when the harassment is not based on status or personal characteristics.

## **E-620 Gang/Hate Group Activity<sup>36</sup>**

Belonging to an organized gang, hate group, or similar organization or group and knowingly engaging in gang/hate group activity on school grounds or during school activities or functions.

\* \* \* \* \*

Gang/Hate Group activity includes, but is not limited to:

- Advocating discrimination, intimidating others, soliciting or recruiting members to the group or organization.
- Using graffiti, gestures, language, colors, or codes that provoke violence or seek to advocate the purpose and objective of such groups, including using electronic means for this purpose that affects school or educational processes.

A student may be expelled or long-term suspended until the end of the semester for the first offense without regard to progressive discipline when there is good reason to believe that other forms of corrective action would fail if employed or there is a significant risk of imminent violence without immediate and further interventions.

Good reason to believe that other forms of corrective action would fail if employed include:

- Use by a gang member of direct, deliberate, or focused threats or intimidation, such that the student or staff member believes his or her safety or the well-being of his or her property is in danger.
- Use by a gang member of threats, force, assault, or violence to advocate the purposes of the gang such that school administrators believe students or the school community is endangered.
- Violent victimization by a gang member, including but not limited to, physical attacks or taking of property from the student or staff member directly by force, weapons or threats.

Good reason to believe that there is a significant risk of imminent violence without immediate and further interventions include:

- Ongoing violent retaliatory statements or gestures.
- Continued lack of remorse for violent activity.

A gang or hate group is defined as a group of three or more persons with identifiable leadership who regularly conspire and act in concert mainly for criminal purposes. Either suspension or expulsion is an appropriate sanction.<sup>37</sup>

## **E-700 Trespass**

### **E-710 Trespass**

Entering or remaining unlawfully in a school building or on any part of school grounds or school property for any purpose excluding theft of property.<sup>38</sup>

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<sup>36</sup> The Safety and Security Department must be notified for violations of this offense. If appropriate, Seattle Police will be notified.

<sup>37</sup> See, RCW 28A.600.455.

<sup>38</sup> See, **E-430 Burglary** for trespass related to theft of property.

This includes entering any school District property or attending any school activity at any location while suspended or expelled from school.

**E-720 Computer Trespass, Tampering, and Misuse<sup>39</sup>**

Intentionally violating a school's or Seattle Public Schools' computer system or database.

\* \* \* \* \*

This includes, but is not limited to, the following activities:

- Stealing, hacking, deleting, interfering with, or copying software, systems, or programs.
- Transmitting a virus or other material that is wholly inconsistent with the fundamental values of public school education.
- Changing of school, District, or student records without authorization.
- Accessing a District or teacher's computer without authorization.
- Using a proxy site or other Internet site from a District computer to deliberately evade District filters, or instructing others on how to deliberately evade District filters.

The use of Seattle School District computers and access to Internet service from District-provided computers are privileges that may be revoked by school or District administrators at any time for abusive conduct or violation of District policies. Administrators should use a reasonable standard based on the age and skill level of students to determine the ability and/or intent of students to deliberately or maliciously harm or destroy computers, computer systems, or computer data.

**E-800 Fire and False Threats**

**E-810 Arson**

Intentionally setting a fire or causing an explosion.

**E-820 False Alarm**

Activating a fire alarm or calling 911 for other than the intended purpose of the alarm.

**E-830 False Threats**

Falsely reporting any type of bomb or person with a firearm in any school building or structure, on school grounds, on school-provided transportation, or at a school-sponsored function.

**E-900 Other Offenses**

**E-910 False Reporting<sup>40</sup>**

Knowingly and maliciously falsely reporting or falsely corroborating misbehavior of others that did not occur, including spreading a false rumor maliciously at school, on school grounds, on school-provided transportation, or at a school-sponsored function.

\* \* \* \* \*

For purposes of this offense, such false reporting has the likelihood of resulting in serious complications for the person falsely accused or the victim of a false rumor, including affecting their legal, financial, or job status, or reputation, or health.

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<sup>39</sup> See, **D-110 Disruptive Conduct** for behavior with computers that is unintentional or otherwise does not rise to the level of Computer Trespass.

<sup>40</sup> See, **D-420 False Reporting** for incidents without malice.

**E-920 Lewd Conduct<sup>41</sup>**

Engaging in inappropriate sexual acts, either singly or consensually with another person, including sexual intercourse, oral sex, sexual touching, indecent exposure, or voyeurism.

**E-990 Other Exceptional Misconduct**

Engaging in any other activity that would constitute a felony, gross misdemeanor, or misdemeanor under city, state, or federal law.

\* \* \* \* \*

Incidents must violate a specific State or Federal law or Municipal criminal code not currently contained within any offense in the Code of Prohibited Conduct. Use of this offense may be inappropriate for elementary students. Please contact the Discipline Appeals Office to verify the appropriateness of using this offense for specific student behavior.

**DISTRICT OFFENSES**

**D-100 Failure to Respond To School Authorities**

**D-110 Disruptive Conduct**

Flagrantly and substantially interfering with teaching or learning in the classroom, school activities, or extracurricular activities.

\* \* \* \* \*

Disruptive conduct includes, but is not limited to:

- Engaging in behavior that passes beyond the limits of mutual teasing or normal age- or developmentally-appropriate “horse playing”, including name-calling.
- Blocking building entrances, hallways, or stairways by individual action or the congregation of individuals for the purpose of intimidating or deliberately disrupting normal passage of others.
- Deliberately using any electronic device, including cellular telephones, in a disruptive manner in classrooms, on school grounds, or at school events.

Evidence must show that this affected the ability of the staff member to establish or maintain order, or that this behavior had a real and substantial relationship to the operation of the school.

**D-120 Rule-breaking**

Repeatedly breaking a specific, published school rule. This includes breaking school bus rules.

\* \* \* \* \*

School and school bus rules must be published and students must have a reasonable expectation for knowing these rules. Statement of the rule broken and evidence that the school rule has been repeatedly violated, *e.g.*, school or classroom records of prior violations, must be written on the Notice of Disciplinary Action.

**D-130 Disobedience**

Flagrantly, purposefully, or repeatedly failing to comply with or follow the instructions of teachers and other school staff.

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<sup>41</sup> See, **E-215 Sexual Assault**, for behavior using force or physical harm. Also, see **D-320 Inappropriate Sexual Conduct** for inappropriate sexualized behaviors.

\* \* \* \* \*

Evidence must show that this affected the ability of the staff member to establish or maintain order, or that this behavior had a real and substantial relationship to the operation of the school.

## **D-200 Prohibited Conduct**

### **D-210 Hazing**

Initiating students into a school, group, grade level, or office through persecuting, harassing, or coercive behaviors that cause or are likely to cause social or emotional harm.

\* \* \* \* \*

In hazing situations appropriate club advisors, coaches, and administrators likely have not been told what will occur and have not given their approval to the activity. Initiates do not have the choice to volunteer for this activity or the opportunity to quit at any time. Evidence of hazing may include, but is not limited to, activities with any of the following components: Degrading, disgraceful, or humiliating behaviors or treatment.

### **D-230 Gambling**

Playing cards, dice, or games of chance for money or other things of value.

### **D-240 Misrepresentation**

- Forging a parent's, guardian's, or any other person's signatures on any letter to the school, on any school document or form, or on any other document or form used by the school.
- Changing grades or attendance records on official District forms, including attendance reporting sheets and grade books, for any student without authorization of a school official.<sup>42</sup>
- Providing a false name when asked to identify oneself to a school authority.<sup>43</sup>
- Providing false information to school personnel, or impersonating another person verbally or in writing to provide false or misleading information, regarding a student's attendance or absence from school, including, but not limited to, falsely excusing absences or authorizing a student to be excused early from class or school.

### **D-245 Plagiarism**

Cheating, or copying the work of other persons, or turning in another person's papers, projects, computer programs, etc., as your own.

### **D-250 Using Or Possessing Tobacco Products<sup>44</sup>**

Using or possessing any tobacco products by any students in or on public school property, on school buses, and at school-sponsored activities.

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<sup>42</sup> See, **E-720 Computer Trespass, Tampering, and Misuse** for grade or attendance changes on computer records.

<sup>43</sup> See, **E-520 Interference with School Authorities** if falsely identifying oneself hinders reasonable investigation of other student misbehavior.

<sup>44</sup> See, School Board Policy C09.00.

### **D-260 Careless Burning<sup>45</sup>**

Setting afire matches, lighters, or a portion of a single sheet of paper momentarily in a classroom, restroom, hallway, or other school location and immediately extinguishing the flame, whether in play or through carelessness.

\* \* \* \* \*

This includes lighting matches or flicking a lighter in play even if nothing else is set afire. Setting anything else afire is considered to be arson and must be immediately reported to the Fire Department.

### **D-270 Misuse of Computers<sup>46</sup>**

Inappropriately using school computers.

\* \* \* \* \*

This includes, but is not limited to, the following:

- Viewing inappropriate Internet sites, *e.g.*, pornography.
- Downloading pornography or any other Internet material that is obscene, lewd, profane, vulgar, offensive, sexually oriented, or material that is wholly inconsistent with the fundamental values of public school education.
- Installing, storing, or distributing copyrighted software or materials on District computers without authorization.
- Inappropriately using e-mail or other Internet communications from District computers, such as to harass or harm others.

The use of computers belonging to Seattle Public Schools and access to Internet service from District-provided computers are privileges that may be revoked by school or Seattle Public Schools administrators at any time for abusive conduct or violation of District policies. Administrators should use a reasonable standard based on the age and skill level of students to determine the ability and/or intent of students to deliberately or maliciously misuse District computers or computer systems.

### **D-280 Graffiti<sup>47</sup>**

Knowingly writing, painting, drawing, scratching, or otherwise marking any inscription, figure, or mark of any type on any District or staff owned property, unless the student has obtained the express permission of a school official or the staff person.

### **D-300 Harassment**

#### **D-310 Bullying, Intimidation, and Harassment<sup>48</sup>**

Engaging in intentional written, verbal, electronic, or physical bullying, intimidating, or harassing conduct that: is for the purpose of embarrassing or denigrating another person; physically harms a person or damages the person's property; is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; has the effect of substantially interfering with the student's education or adult's right to teach or manage student behavior; or has the effect of substantially disrupting the orderly

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<sup>45</sup> See, **E-810 Arson** for intentional fires or explosions.

<sup>46</sup> See, **E-720 Computer Trespass** for exceptional computer-related misconduct.

<sup>47</sup> See, **E-450 Malicious Mischief** for graffiti causing more than \$100 damage.

<sup>48</sup> See, **E-610 Malicious Harassment** for harassing and intimidating behavior based on protected class or status.  
*Also see, RCW 28A.300.285.*

operation of the school. There is no requirement that the person actually possesses the characteristic that is the basis for the bullying, intimidation, or harassment. This includes

- “pantsing” another person (engaged in as teasing by elementary-age students)<sup>49</sup>;
- conducting electronic bullying, intimidation, and harassment on school grounds, during school activities, on school buses, or during the school day.

**D-315 Sexual Harassment<sup>50</sup>**

Deliberately harassing another person for sexual reasons or in a sexualized manner with unwanted attention, touching, or verbal comments such that the person is uncomfortable, intimidated, or threatened by the behavior.

\* \* \* \* \*

Sexual harassment includes using words that are obscene or indecent for the purpose of harassing another person, or sharing printed materials of a sexual nature, or sharing electronic photos of a nude student or a student’s exposed intimate body parts with others at school regardless of where the photos were created or uploaded, including, but not limited to, “sexting”.

**D-320 Inappropriate Sexual Conduct**

Engaging in inappropriate mutual sexualized conduct that is not conducive to the learning environment of a school.

\* \* \* \* \*

Sexualized conduct includes such behavior as kissing or mutual sexualized touching.

**D-330 Inappropriate Touching<sup>51</sup>**

Unwanted or inappropriate touching of the private parts of another person by elementary-age students.

\* \* \* \* \*

For purposes of this offense, this does not include non-purposeful or accidental touching, such as when one person is pushed into another by a third person.

**D-340 Verbal Assault<sup>52</sup>**

Using words that are hurtful, harmful, demeaning, offensive, or embarrassing, including words that are crude or vulgar, and name-calling.

**D-400 Other Offenses**

**D-410 Toy Guns and Toy Weapons<sup>53</sup>**

Possessing a toy gun<sup>54</sup> or other toy weapon not appearing to be a real gun or weapon; or appearing to be a real gun or weapon, but not used or displayed with malice.

**D-420 False Reporting<sup>55</sup>**

Knowingly reporting or corroborating misbehavior of others that did not occur.

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<sup>49</sup> See, **E-215 Sexual Assault** for “pantsing” behaviors by older students.

<sup>50</sup> For more serious cases, refer to E-610.

<sup>51</sup> See, **E-215 Sexual Assault** for more serious behavior or inappropriate touching behavior for older students.

<sup>52</sup> See, **E-240 Threats of Violence** for credible, focused threats of violence.

<sup>53</sup> See, **E-300** for violations with real guns or weapons, or toys used with malice.

<sup>54</sup> BB-guns and other pellet guns are Dangerous Weapons. See, **E-320** for violations with these weapons.

<sup>55</sup> See, **E-910 False Reporting** for incidents involving malice.

Students are urged to report dangerous situations that affect the health and safety of others, even though that reporting is sometimes considered to be tattling or later is determined to have been unknowingly inaccurate. This offense is focused on deliberate lies.

### **ACCOMPLICE ACTIVITY**

Please note that this conduct code is violated, and discipline can be imposed, if a student is an accomplice of another person in the commission of an offense. A student is an accomplice to another person if with knowledge that it will promote or facilitate the misbehavior he (1) solicits, commands, encourages, or requests such other person engage in the misbehavior, or (2) aids or agrees to aid such other person in planning or committing the misbehavior. A student is not an accomplice if he or she is the victim or complicity is terminated prior to the misbehavior *and* timely warning is given to school officials that the misbehavior may occur. If a student engages in accomplice activity, the accomplice may be charged with the same offense the principal actor committed, with a notation that the student committed the offense as an accomplice.

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### **OFF CAMPUS BEHAVIOR**

Discipline may be imposed for an off-campus act of misconduct if the discipline is reasonable under the circumstances and closely connected to the educational process. The following criteria should be considered to decide whether an act of misconduct is sufficiently connected to the educational process:

- (1) Location of the misconduct (proximity to school grounds or to a school activity);
- (2) Hour and date of the misconduct (during school hours, but off-campus; immediately before or after school hours; on district-sponsored transportation, directly before entering or after leaving district-sponsored transportation, or during school-sponsored activities);
- (3) Effect on other participants or victims to the misconduct (did the misconduct involve or affect other students or school district personnel);
- (4) Severity of the misconduct and its likely connection to student or school district personnel safety (*e.g.*, fighting or other violent or destructive acts, the selling of a controlled substance, or possession of a weapon); and
- (5) Extent to which the off-campus activity affects the environment or safety of the school (*e.g.*, students are afraid to come to school or afraid at school because of it; it is disruptive to the school atmosphere in that special precautions or actions need to be taken to protect students and staff; the arrangements for the activity were made on campus but conducted off campus, such as drug sales, a fight or assault, etc.; or there are likely repercussions such as students from other schools or non-students coming onto the campus to effect retribution.)

### **STANDARD DISCIPLINARY ACTIONS**

Recommended standard disciplinary actions for Exceptional Misconduct and for District Offenses are attached and are included in the Code of Prohibited Conduct. These standard disciplinary actions incorporate School Board Policy D 71.00 regarding the use of progressive discipline.

## ADOPTION OF RULES BY SEATTLE SCHOOL BOARD

The Seattle School Board adopted these rules in June 2009. The Seattle School District follows the substantive and procedural due process rights guaranteed by the Office of Superintendent of Public Instruction under RCW 28A.600.015. *See*, WAC 392.400. A copy of the regulations can be requested by contacting the Discipline Appeals Office at 206-252-0820 or downloading the regulation at <http://apps.leg.wa.gov/WAC/default.aspx?cite=392-400>

### SCHOOL RULES

In addition to the above District rules, each school will adopt and distribute to each student rules that will govern a student's conduct in a particular school. When a student breaks these school rules, he or she may be disciplined. *See* **D-120 Rule Breaking**.

### DUE PROCESS RIGHTS OF STUDENTS

Seattle Public Schools believes that due process means that students must be treated fairly and with regard for their rights under the law. This means that any discipline or corrective action of a student who has violated rules must be administered fairly and for good and just cause. Students must have the right to tell their side of the incident and receive a fair punishment for their behavior. School officials will take corrective action only after a thorough examination of the facts and the facts must always be reasonably related to the nature and circumstances of the violation. Students have the right to appeal corrective action that they feel is unjust or unjustly administered.

Seattle Public Schools has adopted and implemented the due process rules found in WAC 392-400. These rules outline the substantive and procedural due process rights of students who are involved in programs or activities within Seattle Public Schools. Additionally, Seattle Public Schools has adopted rules that guarantee the minimum due process standards and protections.

Other rules that govern student conduct include WAC 392-145 (school buses).

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### SHORT-TERM SUSPENSIONS<sup>56</sup>

Principals and assistant principals may short-term suspend a student for violating Seattle Public Schools' discipline rules as stated in the *Code of Prohibited Conduct*. Before Principals and assistant principals can short-term suspend a student they must follow certain general rules, which are listed below:

1. Principals and assistant principals must make a decision to suspend a student by considering the nature and circumstances of the rule breaking. Principals and assistant principals must reasonably believe that a student deserves a short-term suspension of a certain number of days. For example, did the rule breaker physically hurt another student?
2. So that discipline is applied fairly and uniformly, Seattle Public Schools has published on Seattle Public Schools web site standard discipline guidelines to schools on when a student should be short-term suspended. These standard guidelines may be set aside under the following circumstances:

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<sup>56</sup> WAC 392-400-245

- a. When Principals and assistant principals believe there are extenuating or exceptional circumstances, or
  - b. When progressive discipline has not been used for District Offenses.
3. Principals and assistant principals may short-term suspend a student without using progressive discipline when a student engages in exceptional misconduct. *E.g.*, currently, a student that fights can be short term suspended on the first offense without regard to progressive discipline because Seattle Public Schools considers fighting to be exceptional misconduct.
4. Principals and assistant principals cannot short-term suspend a student in Kindergarten through Grade 4 for more than *ten (10) consecutive or cumulative school days* during a single semester or trimester, depending on the school.
5. Principals and assistant principals cannot short-term suspend a student in grade five or above for more than *fifteen (15) consecutive or cumulative school days* during any semester or *ten (10) consecutive or cumulative school days* during any trimester, depending on the school.
6. Any student who receives a short-term suspension will be allowed to make up assignments and tests missed because of the short-term suspension if:
  - a. The assignments or tests have a substantial effect on the student's grades, or
  - b. Failure to complete the assignments or tests will mean the student does not get credit for the class or multiple classes.
  - c. No loss of grades or credit can be imposed because of a short-term suspension.
7. Any student who has been short-term suspended may request a lesser corrective action, including being allowed to return to school immediately. This request is made to the school principal either verbally or in writing, and is considered a Step 1 grievance.

### **Notice to Parents/Guardians and Student of Short-term Suspensions**<sup>57</sup>

A student is entitled to a conference before he or she is short-term suspended. During the conference, the student must be given orally or in writing:

1. An explanation of the alleged misconduct or lists the school rule that was allegedly violated;
2. A review of the evidence that supports the allegations;
3. An explanation of the corrective action that will occur; and
4. An opportunity to explain him or herself.

Notwithstanding this entitlement to have a conference prior to being short-term suspended, a student may be short-term suspended without a conference if he or she refuses to participate in, or has made himself or herself unavailable for, a conference.

A parent/guardian is entitled to verbal and written notice of the proposed disciplinary action in the language spoken by the parent/guardian. A written notice is called a *Notice of Disciplinary Action (NDA)*. Translations of the NDA are available. The NDA should include:

1. The reason for the suspension and the length of the suspension.

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<sup>57</sup> WAC 392-400-250

2. Conditions relating to the suspension, such as a requirement for completion of a particular activity (e.g., parent/guardian conference, drug/alcohol evaluation, or behavior modification requirement, etc.)
3. Their appeal rights and the process for making an appeal.

All short-term suspensions and the reasons for the suspensions must be entered into eSIS and made available for access by the Discipline Appeals Office *within twenty-four hours* after the suspension starts.

### **Grievance (Appeal) Procedure: Short-Term Suspensions or Other Discipline Actions**<sup>58</sup>

An appeal of a short-term suspension is called a “grievance”. Seattle Public Schools has adopted and implemented the grievance procedure found in WAC 392-400-240. This grievance procedure gives the appealing party an opportunity to dispute a school-wide discipline and/or a short-term suspension. During a grievance hearing, the appealing party may try and convince the principal to overturn a discipline sanction because he or she believes that a rule was unfairly applied to his or her child or that there was something wrong with or the way the child was disciplined.

This grievance procedure is not designed for situations involving claims of staff misconduct. If a parent/guardian agrees that his/her child was disciplined appropriately, but is concerned that the manner in which the administrator behaved was not appropriate, the complainant may contact the Education Director for the school.

Any student, parent, or guardian may appeal the discipline of the student. There are three steps for appealing discipline at this level, called a grievance.

**Step One:** Parents and/or guardians appealing a discipline sanction have the right to request an *informal grievance conference* with the building principal or designee **within two business days** of learning of the discipline sanction. The school official who disciplined the student will be told that the discipline is being appealed.

During the informal conference, the principal or designee can question the person appealing, and the person who is appealing can question school staff who were involved in the incident that resulted in discipline. The principal or designee will decide whether the discipline sanction should stand.

**Step Two:** If the person appealing is dissatisfied with the decision at Step One, he or she may present a *written and/or oral grievance*<sup>59</sup> to the Seattle Public Schools’ Disciplinary Appeals Office. This grievance must be received within **two school business days**. An Education Director or a designee will hear the Step Two appeal. Usually the decision is written and mailed to the person appealing.

**Step Three:** If the person appealing is still dissatisfied with the decision at Step Two, he or she may present a *written request for an appeal hearing*<sup>60</sup> to the Disciplinary Appeals Council. This written grievance must be received within **two school business days after receiving the decision from Step Two**. The written request is sent to

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<sup>58</sup> WAC 392-400-240

<sup>59</sup> Seattle Public Schools accepts either a written or oral request for a Step 2 Grievance.

<sup>60</sup> The Disciplinary Appeals Council accepts only written requests for a Step 3 Grievance.

the Office of the Superintendent, Mail Stop 32-150, PO Box 34165, Seattle, WA 98124-1165.

The Disciplinary Appeals Council will usually schedule this hearing within *ten school business days* of receiving the written request. After the hearing, the DAC will make its decision and notify the family by a written decision mailed *within ten school business days* after the hearing.

A student receiving a short-term suspension must begin his or her suspension immediately. The exclusion from school continues even if the appealing party appeals unless the principal waives this requirement. The principal has the discretion to continue or not continue the suspension pending any appeal. This is a discretionary decision made by principal and the appealing party cannot appeal this decision. Also the principal does not need to give any reason for denying a request to waive the short-term suspension pending an appeal rule<sup>61</sup>

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## **LONG-TERM SUSPENSIONS OR EXPULSIONS FROM SCHOOL**<sup>62</sup>

Principals and assistant principals may long-term suspend or expel a student for violating Seattle Public Schools' discipline rules, as written in the *Code of Prohibited Conduct*. Before principals and assistant principals can long-term suspend or expel a student they must follow certain general rules, which are listed below:

1. Principals and assistant principals must reasonably believe that a student deserves a long-term suspension or expulsion. Principals and assistant principals must make a decision to long-term suspend or expel a student by considering the nature and circumstances of the offense.
2. Principals and assistant principals may not long-term suspend or expel a student unless they have used progressive discipline or the offense is categorized as an exceptional misconduct.
3. So that discipline is applied fairly and uniformly, Seattle Public Schools has published standard discipline guidelines for schools to use in determining when a student should be long-term suspended or expelled. These may be modified under the following circumstances:
  - a. When Principals and assistant principals believe there are extenuating or exceptional circumstances, or
  - b. When progressive discipline has not been used for a District Offense.
4. The Seattle School Board has directed that no student be suspended or expelled for non-attendance.
5. Principals and assistant principals cannot long-term suspend students in kindergarten through grade four, but they may expel students in kindergarten through grade four.
6. Principals and assistant principals may long-term or expel students in grade five and above, but those students may not lose academic grades or credit as the result of a single long-term suspension or expulsion.

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<sup>61</sup> WAC 392-400-255.

<sup>62</sup> WAC 392-400-260.

### **Exception to progressive discipline rule**

Seattle Public Schools will expel for the first offense without regard to progressive discipline when there is good reason to believe that other forms of corrective action would fail if employed. Good reason to believe that other forms of corrective action would fail if employed have been specifically included on certain serious offenses such as drugs and alcohol, assault, threats of violence, and dangerous weapons, but Seattle Public Schools reserves the right to expel for any other offense when it believes no lesser corrective action will change the student's behavior.

### **Notice to parents/guardians of long-term suspension or expulsion**<sup>63</sup>

Before a student can be long-term suspended or expelled, the student and his/her parent(s) or guardian(s) must receive a written Notice of Disciplinary Action that includes information about their right to appeal the long-term suspension or expulsion and the opportunity for a hearing. This notice must be either delivered in person or by certified mail. The notice must:

1. Be in the parent/guardian's primary language, to the extent feasible;
2. Explain the alleged misconduct and the school District rule(s) alleged to have been violated,
3. Identify the corrective action or discipline being proposed,
4. Explain the rights of the student and/or his/her parent(s) or guardian(s) to a hearing to appeal the allegation(s), and tell them how to make an appeal; and
5. Explain the timeline by which the request for a hearing must be received.

### **Parent/guardian decisions after receiving notice of a long-term suspension or expulsion**

Parents/guardians have certain decisions to make after their child has been long-termed suspended or expelled. The first decision is whether to appeal the suspension or expulsion from school. **This decision should be made as soon as possible because there is a three-day deadline for filing an appeal**, starting from the day parents/guardians learn their child has been long-term suspended or expelled.

Parents/guardians who decide not to appeal should go to an Enrollment Center to arrange for assignment to an appropriate educational program. In most cases, the normal educational assignment is to a Reentry Program for the remainder of the semester but this may not be appropriate in all cases, especially if the student's long-term suspension is less than 30 days. For shorter long-term suspensions the student may be able to have homework sent home during the suspension and may not need another educational placement. For long-term suspensions longer than 30 days the student should seek out another educational placement. Expelled students should immediately go to an Enrollment Center to arrange for assignment to an appropriate educational program because they cannot return to same school unless they petition to the school principal to be readmitted.

If the student has been long-term suspended or expelled for offenses involving violence, he or she may be required to participate in and satisfactorily complete a District-approved anger management/conflict resolution program before returning to a regular Seattle school. Please discuss this with an Enrollment Center or the Discipline Office at (206) 252-0820.

Once the student has completed the terms of a long-term suspension, including verification that

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<sup>63</sup> WAC 392-400-265 and WAC 392-400-270.

they have completed any program they are required to participate in as part of the disciplinary action, the student will be automatically readmitted to the school that long term suspended them. A student who has been expelled from a school may not be reassigned to that school unless they petition for re-admittance.

### **Special rule for re-admittance to same school following an expulsion**

Normally, expulsion from a school means that the student may not attend that school again. However, parents/guardians and students may petition in writing for a student to return to the same school. The written petition must be addressed to the principal of the school that expelled the student and is sent to that school. The student or parent/guardian must set out the reasons why the student should be readmitted to the school. The decision whether to re-admit an expelled student is at the discretion of the school principal. The principal's decision may not be appealed.

### **Appeal Process**

When a student has been long-term suspended or expelled a parent/guardian or the student may appeal the long-term suspension or expulsion to the Superintendent. In Seattle Public Schools, the superintendent has designated that hearing officers will hear appeals as the designee of the Superintendent. Hearing officers are community members who have been trained in state law and school District policy and understand due process rules. Hearing officers may affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student. The following process is used:

#### **A. Timeline**

1. The appealing party must request an appeal hearing from the Discipline Appeals Office within *three (3)* school business days after they receive notice of the corrective action or discipline being proposed. The request for an appeal hearing may be either written or oral, including being made by telephone. The Discipline Appeals Office telephone number is 206-252-0820.
2. If your request for an appeal is not received within *three (3)* school business days after receiving notice of the corrective action or discipline being proposed, the school will impose the proposed long-term suspension or expulsion, and the parent/guardian or student will not have any further opportunity to appeal the matter.
3. If the request for a hearing is received within the *three-day (3)* time limit, the Discipline Appeals Office will schedule a hearing to be held within *three (3) school business days* from the day the appeal was received.

#### **B. Parent/guardian and student rights**

Parents/guardians and students have certain due process rights before, during, and after their requested hearing. These rights have been approved by our state legislature and are found in WAC 392-400. These rights include the following:

1. The appealing party has the right to inspect before the hearing any written or physical evidence that the school may be presenting at the hearing, including witness statements. Student names may be covered.
2. The appealing party has the right to be represented by an attorney at private, not public, expense. An attorney is not necessary for a fair resolution of the matter because of the trained hearing officers. Seattle Public Schools will have its attorney present if the

appealing party has an attorney, so the Discipline Office must be notified as soon as possible if the student is represented.

4. The appealing party has the right to question and confront witnesses at the hearing. This right is limited when Seattle Public Schools has made a reasonable effort to produce a witness and is unable to do so or when it is not advisable for the student to appear due to an expectation and fear on the part of the administrator that the student would be retaliated against if she or he appears as a witness.
4. The appealing party has the right to present his or her explanation of the alleged misconduct.
5. The appealing party may request that witnesses who saw or have knowledge of the incident in question to speak at the hearing, including other students, and
6. The appealing party may present any written or physical evidence that supports the student's case.

### **C. School's rights before the hearing**

The school administrator or other person presenting the school's case has the right to inspect in advance of the hearing any written or physical evidence that the parent(s) or guardian(s) may be presenting at the hearing.

### **D. At the hearing**

1. The participants at the hearing will be limited to those with a relevant interest in the matter at hand, as determined by the hearing officer.
2. Only the evidence presented at the hearing will be used to determine the guilt or innocence of the student. No information may be provided to the hearing officer outside of the hearing.
3. The person hearing the case must be neutral. He or she cannot be a witness to the incident that resulted in discipline or testify in the hearing.
5. The hearing will be tape-recorded.
6. The hearing officer will provide a written decision. This written decision will be sent to the student and/or parent(s) or guardian(s) from the Discipline Appeals Office within about a calendar week.

## **EMERGENCY EXPULSIONS AND SAFETY EXCLUSIONS**

### **Emergency removal from a class, subject, or activity<sup>64</sup>**

A student can be immediately removed from a class or subject or activity by a staff person and sent to the principal or other administrators in authority, provided that there is sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process of the student's school. This is an administrative procedure to assure the safety of students, staff, and the school environment. In some instances, disciplinary sanctions may be concurrent with an emergency expulsion or safety exclusion. The student's removal will continue only until: (a) the danger or threat is no longer

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<sup>64</sup> WAC 392-400-290

present, or (b) the principal or designated school authority acts to impose appropriate corrective action.

### **Emergency expulsion**

The principal or designated school authority will meet with the student no later than the next school day following the student's removal and initiate appropriate corrective action. The person responsible for removing the student will be notified of the corrective action taken before your child returns to the classroom or activity.

### **Safety Exclusions (Emergency Exclusions)**

A school administrator may remove a student immediately for safety reasons, provided that there is sufficient reason to believe that the student's presence at the school presents a risk of danger to himself/herself or others. This shall continue until rescinded by the administrator, and until a plan is in place for safely returning and managing the student in the school or District.

### **Limitations on Emergency Expulsions and Safety Exclusions**<sup>65</sup>

A school administrator may exclude a student immediately, provided that there is sufficient reason to believe that the student's presence is dangerous and/or it would cause substantial disruption within the school to have the student present in classes, for activities and at other related school events. Both an emergency expulsion and a safety exclusion shall continue through the specified end date unless rescinded by the administrator or modified at an appeal hearing.

### **Notice to parent/guardian of an Emergency Expulsion or Safety Exclusion**<sup>66</sup>

Parents or guardians will be notified of the emergency expulsion or safety exclusion and their hearing rights. Generally, a certified letter is sent but every effort will be made to notify the appealing parties by telephone or in person as well as soon as possible. Below are general rules for notifying appealing parties of the emergency expulsion or safety exclusion. The notice can be either written or verbal:

1. School officials will make sure that the written notice is hand-delivered within twenty-four hours of the emergency expulsion or safety exclusion, or
2. School officials may send the appealing parties a certified letter mailed within twenty-four hours of the emergency expulsion.
3. The written notice will be in the language the parent/guardian and student speak and understand, to the extent feasible,
7. The written or verbal notice will explain the alleged misconduct and the school District rule(s) alleged to have been violated,
8. The written notice will identify the corrective action being proposed,
9. The written notice will explain the rights of the student and/or his/her parent(s) or guardian(s) to a hearing to appeal the allegation(s), and
7. The verbal or written notice will explain how to appeal the allegations and the timeline by which the request for a hearing must be received.

### **Appeal procedure for an emergency expulsion or safety exclusion**

If the emergency expulsion is the only action on the written notice, student(s) and/or parent(s) or guardian(s) have up to *ten (10) business days* after receiving notice of the emergency expulsion

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<sup>65</sup> WAC 392-400-295

<sup>66</sup> WAC 392-400-300 and WAC 392-400-310.

to request an appeal hearing from the Discipline Appeals Office. The *ten-day appeal* period applies only when an emergency expulsion or safety exclusion is the only action imposed. When it is combined with any sanctions (expulsion or long-term suspension), the normal *three-day* appeal period applies. According to Seattle Public Schools policy, the request for an appeal may be written or made by telephone.

If a request for an appeal is not received within *ten school business days* after receiving notice of the emergency expulsion, the emergency expulsion or safety exclusion will continue and the student and parent(s) or guardian(s) will not have any further opportunity to appeal the matter.

When the request for a hearing is received within the required timeline, the school District will schedule and give notice of a hearing to be held no later than *the third school business day* after the request is made.

### **A. Parent/guardian and student rights**

Parents/guardians and students have certain due process rights before, during, and after their requested hearing. These rights have been approved by our state legislature and are found in WAC 392-400. Your rights include but are not limited to the following:

1. The appealing party has the right to inspect before the hearing any written or physical evidence that the school may be presenting at the hearing, including witness statements. Student names may be covered.
2. The appealing party has the right to be represented by an attorney at private, not public, expense. An attorney is not necessary for a fair resolution of the matter because of the trained hearing officers. Seattle Public Schools will have its attorney present should the appealing party have an attorney, so it is necessary to notify the Discipline Office as soon as possible if the student becomes represented.
3. The appealing party has the right to question and confront witnesses. This right is limited when Seattle Public Schools has made a reasonable effort to produce a witness and is unable to do so or when it is not advisable for the student to appear due to an expectation and fear on the part of the school administrator that the student would be retaliated against if she or he appears as a witness.
4. The appealing party has the right to present his or her explanation of the alleged misconduct.
5. The appealing party may request that witnesses who saw or have knowledge of the incident in question be present to speak at the hearing, and
6. The appealing party may present any written or physical evidence that supports their case.

### **B. School's rights before the hearing**

The school administrator or other person presenting the school's case has the right to inspect in advance of the hearing any written or physical evidence that the parent(s) or guardian(s) may be presenting at the hearing.

### **C. General rules for hearings**

The following information will help you plan for the hearing and be informed about the rules for hearings:

1. The participants at the hearing will be limited to those with a relevant interest in the

matter at hand, usually just the school administrator, the student and his/her parent or guardian, and eye witnesses to the incident. If the student is represented by an attorney, a District attorney also will be present to advise the school administrator. Other family members or friends should not expect to attend. The hearing officer has the final determination about who may be present.

2. Only the evidence presented at the hearing will be used to determine the guilt or innocence of the student. No information may be provided to the hearing officer outside of the hearing.
3. The hearing officer will make a decision based on the following due process criteria:
  - a. Preponderance of the evidence: Did the alleged behavior occur?
  - b. Standard District discipline: Did the school have the right to discipline the student in the manner chosen, based on the Standard Discipline for Exceptional Misconduct or Standard Discipline for District Offenses and school rules?
  - c. Mitigating circumstances: Are there mitigating circumstances recognized by the District that the school should have taken into account in deciding whether to discipline the behavior or in choosing the disciplinary action?
4. The person hearing the appeal must be neutral. He or she cannot be a witness to the incident that resulted in discipline or testify in the hearing.
4. The hearing will be tape-recorded.
5. The hearing officer may affirm, reverse, or modify the imposition of an emergency expulsion or safety exclusion upon a student. The hearing officer will provide a written decision, which will be sent to the parent by certified mail within a week of the hearing date. Translation of the hearing decision into the home language of the family will be provided at parent request, at District expense.
6. When the emergency expulsion or safety exclusion is the only action, a decision will be given within *one school business day* after the hearing and the student or parent(s)/guardian(s) will be notified by U.S. certified mail within one calendar week.

#### **D. Emergency expulsion or safety exclusion may continue indefinitely**

A student's emergency expulsion may be continued following the hearing if the emergency situation still exists. The emergency expulsion may continue if it was part of a corrective action, such as a long-term suspension or expulsion, if the corrective action is upheld.

The safety exclusion will be in place pending a risk assessment by the Safety and Security Office and a plan for safely returning the student to school is in place.

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### **APPEAL TO THE SCHOOL BOARD<sup>67</sup>**

Parents/guardians have a right to a second appeal if the Hearing Officer upholds the school's corrective action for a suspension, expulsion, emergency expulsion, or safety exclusion and the parent/guardian is dissatisfied with the decision of the Hearing Officer. The Seattle School Board has delegated its authority to hear and decide long-term suspension and expulsion appeals to the Disciplinary Appeals Council. The DAC is appointed by the School Board, and consists of at least three persons who serve fixed terms.

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<sup>67</sup> WAC 392-400-310

The appealing party must send a *written notice* to the Office of the Superintendent **within three (3) school business days** after receiving the decision of the hearing officer. Send this letter to the Office of the Superintendent, Mail Stop 32-150, P.O. Box 34165, Seattle, WA 98124-1165.

If the appealing party does not appeal the hearing officer's decision, the long-term suspension or expulsion will be imposed on the calendar day following the expiration of the three-day period.

Appealing parties must appeal within *three business days*. However, a student's long-term suspension or expulsion may be imposed during the appeal period under the following conditions:

1. A long-term suspension or expulsion may be imposed while the decision is appealed for no more than *ten consecutive school days* or until the appeal is decided, whichever is shorter;
2. An emergency expulsion or safety exclusion may be continued during the appeal as long as the student continues to pose an immediate and continuing threat of danger to self or others, or a substantial disruption of the educational process of the student's school;
3. Any days that the student is temporarily suspended or expelled before the appeal is decided will be applied to the student's suspension or expulsion and will not limit or extend the term of the suspension or expulsion;
4. A student who is subjected to a temporary suspension or expulsion and who returns to school before the appeal is decided will be given the opportunity, when he or she returns, to make up assignments and tests missed by reason of the suspension if the assignments or tests have a substantial effect on the student's semester or trimester grade or grades; or failure to complete the assignments or tests would prevent the student from receiving credit for the class or classes.

### **Disciplinary Appeals Council Procedures**<sup>68</sup>

The Seattle School Board has chosen to delegate all appeals to the Disciplinary Appeals Council. If the student or his or her parent/guardian files a written notice of appeal with the Office of the Superintendent within the required *three (3) school business days*, the Council will schedule and hold a meeting to review the matter within *ten (10) school business days* after receiving the notice. The purpose of the meeting is to meet with the student and/or his or her parent/guardian and a representative of the school to review the decision of the hearing officer and determine whether there is additional information that should have been considered that would change the hearing officer's decision.

1. Prior to the meeting, members of the Council will review the written decision of the hearing officer.
2. At the meeting with the Council, the student or his or her parent/guardian (or legal counsel) has the right to be heard and provide additional information that he or she believes is pertinent to the situation. Similarly, the representative from the school also has the right to provide additional information to support the decision to discipline the student.
3. The Disciplinary Appeals Council may affirm, reverse, or modify the imposition of discipline, suspension, or expulsion upon a student. The Council will send a written

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<sup>68</sup> See, WAC 392-400-315 and WAC 392-400-320.

decision to the parent or guardian and student within ten business days of the date of the hearing. The decision will be made only by those Council members who have heard or read the evidence, who have not acted as a witness in the matter, and only at a meeting at which a quorum of the Council is present, and by a majority vote.

4. An appeal from the decision of the Disciplinary Appeals Council is to the courts. Whether or not the suspension or expulsion should be imposed while the student or his or her parent/guardian is appealing to the courts will be a decision of the Disciplinary Appeals Council, unless a court orders otherwise. The Disciplinary Appeals Council does not need to give any reason for denying a request to waive the suspension or expulsion pending an appeal to the courts.

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## **DISCIPLINE OF SPECIAL EDUCATION STUDENTS<sup>69</sup>**

The discipline of special education students is generally subject to the same rules under the Seattle Public Schools' Student Rights and Responsibilities as applied to nondisabled students with the modifications required by the federal Individuals with Disabilities in Education Act (IDEA) listed below.

### **Short-term suspensions and emergency removals**

The general procedures relating to school-based discipline, short-term suspension, and emergency removal apply to special education students when the action proposed or taken does not result in a change of placement (*i.e.*, the loss of 10 or more consecutive school days or a pattern of exclusion from school) for a special education student, or is not governed by a behavior management plan. If a behavior plan exists, the steps in the plan should be followed before resorting to a short-term suspension or emergency removal.

### **Suspension/Expulsion**

When considering disciplining a special education student with a suspension or expulsion, which may constitute a change of placement (*i.e.*, the loss of 10 or more consecutive school days or a pattern of exclusion from school), the following procedures must be observed:

Determine whether the suspension or expulsion will result in a change of placement (*i.e.*, the loss of 10 or more consecutive school days or a pattern of exclusion from school). If there is no change in placement, the sanction can be imposed. If there is a change in placement, the school must convene an IEP meeting.

Notify the parent/guardian of the need to convene an IEP meeting and the procedural safeguards given by law, including the right to contest the disciplinary action in an administrative due process hearing.

An IEP meeting must be held prior to, or within 10 days of, imposing the disciplinary action. Participants must include parents/guardians, the student's special and regular education teachers, a school District representative knowledgeable about the student's disability, and the student, if appropriate. This meeting must be fully documented. The purpose of the meeting is to determine whether the student's conduct resulting in discipline is a manifestation of (caused by or a result of) the student's disability and whether the student is in an appropriate placement.

The suspension or expulsion may be imposed if the team determines that the conduct *is not* determined to be caused by or a result of the student's disability or the result of an inappropriate

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<sup>69</sup> This section applies to students who are designated as Section 504.

placement. However, the IEP team should also consider whether the sanction would deny the student a Free Appropriate Public Education under Section 504.

The discipline cannot be imposed if the team determines that the conduct *is* a manifestation of the student's disability. Instead, the IEP meeting should be used to consider what changes in the student's IEP need to be made to better ensure that the student is in an appropriate program and/or placement.

### **Alternative interim educational setting**

A special education student may be placed in an alternative interim educational placement without an IEP or court order for (1) up to 10 days; (2) up to 45 days if the student carries a gun, knife, or other dangerous weapon to or possesses, sells, or solicits illegal drugs at school or a school function; or (3) if ordered by an administrative law judge.

### **Obligations to students to provide educational services**

From the time the parents/guardians initiate a due process hearing through the appeal process, Seattle Public Schools is required to continue providing educational services, which may not have to be provided within the school setting. Seattle Public Schools is also required to provide services to students who have been long-term suspended or expelled because their behavior is not related to their disability, and to students on short-term suspension who have been suspended for more than 10 cumulative days in the school year. The principal of the school proposing the disciplinary sanction may instruct the appropriate teacher(s) to assign and monitor homework.

Even where discipline is imposed, including suspension and expulsion, the special education student must continue to receive the special education and related services required to receive a free, appropriate education.

### **Behavior Management Plans**

A behavior management plan or a behavioral intervention plan is a requisite component for the IEP of a child whose behavior impedes his/her learning or that of others. The plan should contain appropriate strategies, including positive behavioral interventions and supports to address the behavior. When a special education student has a Behavior Management Plan addressing conduct subject to discipline, the plan governs and prescribes the necessary response for that conduct. Conduct not addressed in the behavior plan should be disciplined with attention to the special considerations that apply to special education students as addressed above.

#### **POLICY EQUITY AND COMPLIANCE POLICY**

Seattle Public Schools provides Equal Educational Opportunity and Employment Opportunity without regard to race, creed, color, religion, age, ancestry, national origin, economic status, gender, sexual orientation, gender identity, pregnancy, marital status, families with children, honorably discharged veteran or military status, physical appearance, or mental, physical or sensory disability.

The District complies with all applicable state and federal laws and regulations to include, but not limited to, Title IX, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, RCW 49.60 "The Law Against Discrimination," and covers, but is not limited to, all District programs, courses, activities, including extra-curricular activities, services, access to facilities, etc.

The Title IX Officer and 504 Coordinator with the overall responsibility for monitoring, auditing, and ensuring compliance with this policy is: Manager, Office of Equity and Compliance, PO Box 34165, Mail Stop 33-157, Seattle, WA 98124-1165. Phone: (206) 252-0024. Individuals who believe they have been discriminated against in any of the District's educational or employment activities can file an internal discrimination complaint with the District's Office of Equity and Compliance.